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ABSTRACT

The Texas Education Code requires the Commissioner of Education to develop and propose a system for evaluating the progress of students eligible for exemption from the statewide assessment program under current law. This report summarizes the proposed system for special education students. It includes proposed changes to the assessment and accountability systems using the Texas Assessment of Academic Skills (TAAS) and an alternative state-developed or commercially available system. How students receiving special education services will participate in the assessment program will be specified in each Individual Education Plan. The TAAS will be used when students receive instruction on grade level in the subject being tested. A list of allowable test modifications will be developed and disseminated. Other requirements are specified, and time lines are established for assessment implementation. (SLD)

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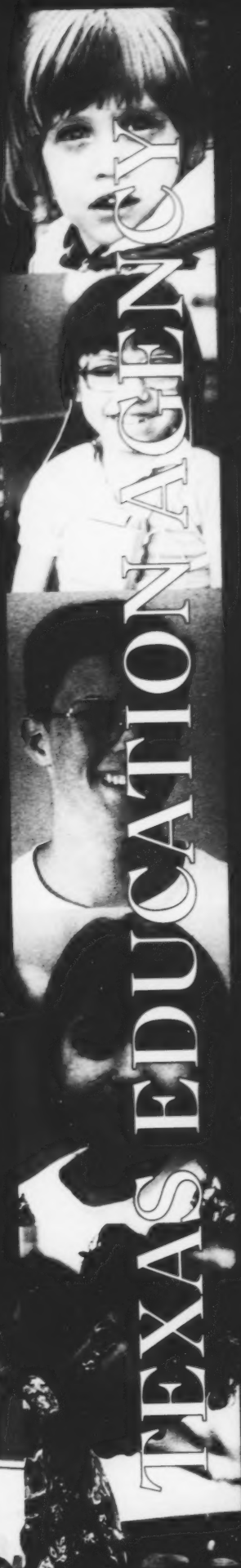
A Report to the 75th Texas Legislature

from the Texas Education Agency

Assessment System for Special Education Students Exempted from the Texas Assessment Program



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Assessment System for Special Education Students Exempted from the Texas Assessment Program

A Report to the
75th Texas Legislature

from the
Texas Education Agency

Submitted to the Governor, Lieutenant Governor,
Speaker of the House, and the Seventy-Fifth
Texas Legislature

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TEXAS EDUCATION AGENCY

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Mike Moses
Commissioner of Education

December 1, 1996

The Honorable George W. Bush, Governor of Texas
The Honorable Bob Bullock, Lieutenant Governor of Texas
The Honorable Pete Laney, Speaker of the House of Representatives
Members of the 75th Texas Legislature

Section 39.027 (c) of the Texas Education Code requires the commissioner of education to develop and propose a system for evaluating the progress of students eligible for exemption from the statewide assessment program under current law. This report summarizes the proposed system for special education students, and another report addresses an assessment system for limited English proficient students exempted from the statewide testing program.

This report includes proposed changes to the assessment and accountability systems utilizing the Texas Assessment of Academic Skills (TAAS) tests and an alternative state-developed or commercially available assessment. During the development of the proposed system, efforts were made to include assessments that are appropriate measures of sound instructional practice, that maintain high standards of learning for all students, and that address the diverse needs of students receiving special education services.

I am pleased to submit this report for your consideration.

Respectfully submitted,

Mike Moses
Commissioner of Education

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Assessment System for Special Education Students Exempted from the Texas Assessment Program

The Texas Education Code Section 39.027(c) requires that a proposal be developed and proposed to the legislature for an assessment system for evaluating the progress of students who receive special education services and are exempted from the statewide assessment program. An outline of the proposed system is presented below and is followed by a more detailed description of the system components.

Proposed System

1. Require ARD committees to specify in each IEP how students receiving special education services will participate in the assessment program.
   A. Include students in TAAS or end-of-course examinations when the students receive instruction in the essential elements on grade level in the subject being tested.
   B. Include students who are receiving instruction in the essential elements in the subject being tested but not at grade level in an alternative state-developed or commercially purchased assessment designed to assess them at their appropriate level. Possible options include:
      - a multi-grade level TAAS, developed by the agency for this specific purpose, that draws items from several grade level tests and
      - a commercially available test.
   C. For students not receiving instruction in the essential elements at any grade level, continue to study the feasibility of developing an assessment based on curricular domains appropriate for them.
2. Disseminate widely a comprehensive list of allowable test modifications and train educators to use them. Continue to allow schools or districts to request additional accommodations.
3. Aggregate the performance results of students receiving special education services with those of nonspecial education students and include them in the campus, district, and state TAAS and end-of-course reports.
4. Revise the accountability system for students receiving special education services as follows:
   A. Include the results of those students taking TAAS in the accountability rating system. These results are currently included in the Academic Excellence Indicator System (AEIS) for reporting purposes only.
   B. Include the results of those students taking alternative assessments in AEIS reporting.
   C. Continue to include the percentage of those students who participate in TAAS or end-of-course examinations as an indicator in AEIS reporting.

Proposed Time Line

Performance results for nonexempt special education students who participate in TAAS will be reported in the accountability system in the 1996-97 and 1997-98 school years and will be used in the rating system beginning in the 1998-99 school year.

If development time lines do not preclude it, the alternative state-developed or commercially purchased assessment will be implemented in the 1998-99 school year with results reported as required by Section 39.027(c) of the Texas Education Code.

	1996-97	1997-98	1998-99
TAAS Indicators in the Accountability System			
Results for Nonexempt Special Education Students	Report	Report	✓
Academic Excellence Indicator System			
Alternative Assessment for Special Education Students*			Report

✓ Used for rating or acknowledgments

* Contingent on development time line

System Components

1. *Require admission, review and dismissal (ARD) committees to specify in each IEP how students receiving special education services will participate in the assessment program.*

   A. *Include students in TAAS or end-of-course examinations when the student receives instruction in the essential elements on grade level in the subject being tested, and accommodations used in instruction are allowable, can be provided in testing, and do not invalidate test results.*

      This requirement reinforces a primary purpose of the student assessment program—to assess mastery of the essential elements. By including in the assessment program students receiving special education services who are taught the essential elements at grade level, this policy will hold campuses and schools accountable for teaching the essential elements to students receiving special education services, and will hold students to high standards. The revised policy, in conjunction with other recommended changes in the assessment and accountability systems, should result in a larger percentage of students receiving special education services participating in the statewide assessment program, reduce district to district and school to school variability in the percentage of the students who participate in the statewide assessment program, and promote student- and subject-specific decisions about participation in the state assessment program.

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B. *Include students who are receiving instruction in the essential elements in the subject being tested but not at grade level, or who require accommodations that invalidate test results, in a state-developed or commercially purchased assessment. This assessment would be designed to assess students at their appropriate level. Possible assessments that could be considered:*

- *an agency-developed multi-grade level set of TAAS tests using items from several grade-level tests and*
- *a commercially available test.*

Each of these alternatives should be evaluated empirically in terms of the match between the essential elements and what is measured by the assessment and the appropriateness of the test content for the instructional levels and grade levels of the population being tested.

C. *For those students not receiving instruction in the essential elements at any grade level, continue to study the feasibility of developing an assessment based on curricular domains appropriate for these students.*

Including all students in the statewide assessment program is important to ensure that schools, school districts, parents, students, and community members have information on which to judge schools' performance. However, TAAS and end-of-course examinations may not appropriately measure educational progress for all students receiving special education services. As a result, to include all students in the assessment program, the agency must develop or select alternative assessments that can measure students' knowledge of the essential elements at the level appropriate for them. While locally selected alternatives have been used in the past, this approach does not permit aggregation of results for purposes of reporting and accountability.

An additional alternative assessment should be designed for students receiving special education services who do not receive instruction in the essential elements. At present, there are no statewide educational goals for students receiving special education services who are not taught the essential elements (estimated at 5% of students receiving special education services).

2. *Disseminate widely a comprehensive list of allowable test modifications and train educators to use them. Continue to allow schools or districts to request additional accommodations.*

This will promote testing situations that reflect classroom practice and will preserve the ARD committees' primary role in decisions about appropriate accommodations. Ensuring that the list is as comprehensive as possible will increase the participation of students who receive special education services in the assessments, and these students will have a better chance to demonstrate what they know and can do.

3. *Revise the current campus, district, and state TAAS and end-of-course reports in the following ways:*

A. *Aggregate performance results for students receiving special education services who take TAAS and end-of-course examinations with results for nonspecial education students.*

B. *Include alternative assessment results in separate sections of all reports, as well as information on the number and percentage of students assessed.*

This policy will hold districts and campuses accountable, through public reporting of data, for the performance of all students receiving special education services. This policy will also hold campuses and districts accountable for growth in student performance.

4. *Revise the accountability system for students receiving special education services as follows:*

A. *Include the results of those students taking TAAS in the accountability rating system. These results are currently included in AEIS for reporting purposes only.*

B. *Include the results of those students taking alternative assessments in AEIS reporting.*

C. *Continue to include the percentage of those students who participate in TAAS or end-of-course examinations as an indicator in AEIS reporting.*

The revisions will hold districts and campuses accountable for the performance of all students receiving special education services—those receiving instruction in the essential elements at grade level, those receiving instruction in the essential elements off grade level, and those receiving an alternative curriculum. By reporting the percentage of students receiving special education services who participate in TAAS or end-of-course examinations, incentives are provided for including in TAAS and end-of-course examinations as many students as possible who receive special education services and providing the instruction necessary for those participating to pass the tests. In particular, this indicator provides an incentive for teaching the essential elements to more students receiving special education services and raises expectations for their performance.

Related Components

Study the feasibility of rating campuses where all students are served in special education as exemplary, recognized, acceptable, or low performing.

This policy will hold all campuses accountable for their students' performance through attendance and dropout rates, and participation in and performance on TAAS, end-of-course examinations, and alternative assessments. It will also provide incentives for these campuses to teach students receiving special education services the essential elements so they can take and pass TAAS and end-of-course examinations. Parents and other stakeholders will have data on which to judge the efficacy of these schools.

Include the performance of students whom districts have placed in a special education setting that is not currently part of the accountability system in the ratings of the students' home campus and district.

There are currently many students receiving special education services who attend schools outside their neighborhoods or districts in order to obtain special education services. Some of these schools and districts are excluded from the accountability system. Adding the students assigned to these instructional settings in the ratings of their home campuses and districts will ensure that all students are included in the accountability system, regardless of the location where they receive services.

Conclusion

The issues addressed in this proposal are certainly complex. Opinions differ within the educational community and among advocates as to how to improve educational results while recognizing the diverse needs of students receiving special education services. Multiple goals must be balanced to achieve an optimal solution. The elements of the education system are interconnected, and as such, efforts to reform assessment and accountability will affect other elements.

The features of this assessment system represent an effort to blend educational and accountability issues with the interests of students who receive special education services and their parents and advocates. This system is intended to provide a foundation for the participation of all students receiving special education services in the Texas assessment and accountability systems and improve educational results for these students.

Assessment System for Special Education Students Exempted from the Texas Student Assessment Program

Background

The purpose of this document is to present a proposed assessment system for special education students exempted from the Texas Student Assessment Program. The goal is to provide a comprehensive policy, including changes to current practice that

- continue to assure that all of Texas' students are held to high standards of learning, and
- provide a system that is fair and appropriate for students with diverse educational programs, backgrounds, and learning styles.

The Texas Education Code requires that the commissioner develop and propose to the legislature an assessment system for evaluating the progress of students receiving special education services who are exempted from the statewide assessment program. In particular, the Texas Education Code Section 39.027(c) mandates.

> Not later than December 1, 1996, the commissioner shall develop and propose to the legislature an assessment system for evaluating the progress of students exempted under Subsection (a). Not later than the 1998-99 school year, the performance of those students under an assessment system must be included in the academic excellence indicator system under Section 39.051, the campus report card under Section 39.052, and the performance report under Section 39.053. This subsection expires September 1, 1999.

The Texas Education Agency (TEA) contracted with Westat, Inc., of Rockville, Maryland, to assist in developing this assessment system.

Three key ideas have framed the development of the system presented in this report. First, the current assessment and accountability systems and other components of the educational system provide a context within which change can occur. In particular, the Texas Assessment of Academic Skills (TAAS), end-of-course examinations, the state accountability system, and the essential elements set the boundaries for the proposed system.

Second, the educational system is complex and its components are highly interrelated. Adjustments in any one part of the system can lead to modifications in others. For example, the process underway to update the essential elements with the Texas essential knowledge and skills is evidence of the evolving nature of the various components of the state's educational system. It is likely that this and changes in other components of the educational system will affect the development of an alternative assessment system for students receiving special education services who have been exempted from the student assessment program. The principles reflected in this assessment system, however, can serve as the foundation for the participation of students receiving special education services in the assessment and accountability systems irrespective of any future improvements in those systems.

Third, while the accountability system holds districts, schools, and students accountable for meeting high standards, the national and state advisory panel convened for this project and other stakeholders strongly believe that institutional capacity building and institutional accountability should precede student accountability. Individual student accountability should not occur until institutions themselves are accountable.

Some final notes concerning the implementation of any proposed changes in the assessment and accountability systems are needed. Improvements in any dimension of these systems will necessarily have implications for the wider educational system. For example, changes in TAAS participation criteria will likely affect instruction for students receiving special education services. Second, because the accountability system has high stakes for students, schools, and districts, consequences of all changes were carefully considered. Third, in developing this assessment system, care was taken to balance 1) the importance of including students receiving special education services in the assessment and accountability systems; 2) high expectations for student performance; and 3) the individualized nature of students' needs stemming from their disabilities.

The Texas Context

The principal goal of the statewide assessment program is to measure the progress of students toward achieving academic excellence with the main purpose being institutional accountability.

The Texas Student Assessment Program. The principal goal of the student assessment program is to measure the progress of students toward achieving academic excellence with the main purpose being institutional accountability. The Texas Assessment of Academic Skills (TAAS), a criterion-referenced testing program mandated by the Texas Legislature in 1989, is a key component of the student assessment program. TAAS provides a comprehensive assessment of the essential elements, and higher-order thinking skills and problem-solving ability are emphasized. TAAS is administered annually at grades 3 through 8, and students must pass an exit level exam in order to receive a high school diploma.

The Texas Accountability System. The accountability system measures the quality of learning in Texas schools using a set of academic excellence indicators. The Academic Excellence Indicator System (AEIS) provides information on school and district staff, finances, programs, and student demographics in addition to test results and other performance indicators. These data are used to develop reports for campuses, districts, regions, and the state as a whole. District and school accreditation ratings are based on the AEIS data and the accompanying standards.

Three base indicators are used to determine accountability ratings for districts and campuses: TAAS results in reading, mathematics, and writing; the dropout rate (for high schools); and the attendance rate. Districts and campuses may receive recognition based on additional indicators which represent performance beyond minimum requirements. Based on the standards met, districts may be rated as exemplary, recognized, academically acceptable, or academically unacceptable; campuses may receive the following ratings: exemplary, recognized, acceptable, or low-performing.

Students receiving special education services are included in district and campus ratings through attendance and dropout data. However, TAAS results for students receiving special education services are not included in the TAAS base indicator.

Several sets of reports based on the AEIS data are developed annually. AEIS reports describe the performance of districts and campuses on the base accountability indicators as well as additional accountability indicators and provide district/school profile information. In addition, a School Report Card is prepared annually for each school, and this report must be provided to the family of each student. The report cards include information on the accountability indicators, exemption data, performance on college admissions examinations, participation in end-of-course examinations, completion of the State Board of Education's Recommended High School Program, TAAS/TASP equivalency, student/teacher ratios, and administrative and instructional costs per student.

Approximately 11 percent of all Texas students receive special education services.

The Special Education Student Population in Texas. The State of Texas reported serving 409,281 students in special education on December 1, 1995. This was about 8 percent of all students receiving special education services nationwide and approximately 10.9 percent of the state's total school enrollment. Slightly more than 60 percent of these students were categorized as having a learning disability, 15.7 percent were categorized as having a speech handicap, 8 percent were categorized as having an emotional disturbance, and 6 percent were categorized as having mental retardation. (Table 2.1 shows the number and percentage of Texas students receiving special education services by disability category; these data are also presented for the nation.)

Table 1
Number and percentage of students receiving special education services ages 6-21, by disability, for Texas and the Nation: December 1, 1995

Disability	Texas		Nation	
	Number	Percent	Number	Percent
Learning Disability	246,840	60.3	2,597,231	51.2
Speech Handicap	64,135	15.7	1,025,941	20.2
Mental Retardation	24,202	5.9	585,308	11.5
Emotional Disturbance	33,893	8.3	438,217	8.6
Multiple Disabilities	3,313	0.8	94,156	1.8
Auditory Handicap	5,450	1.3	68,070	1.3
Orthopedic Handicap	5,004	1.2	63,200	1.2
Other Health Impairment	21,523	5.3	133,419	2.6
Visual Handicap	2,081	0.5	25,484	0.6
Autism	2,421	0.6	28,827	0.6
Deaf/Blindness	56	0.0	1,362	0.03
Traumatic Brain Injury	363	0.1	9,443	0.2
All Disabilities	409,281	100.0	5,070,658	100.0

Source: U.S. Department of Education, Office of Special Education Programs, Data Analysis System.

As is true of the nation, enrollment in special education programs in Texas has been increasing in recent years. From 1989 to 1995, the number of students 6-21 years of age receiving special education services increased from 306,574 to 409,281, or 33.5 percent. During the same period, Texas' total school enrollment increased by 13 percent.

Participation of Students Receiving Special Education Services in the Statewide Assessment Program. In November 1995, the State Board of Education (SBOE) adopted new rules guiding participation of students receiving special education services in TAAS. The rules state that students receiving special education services should take TAAS unless the student's admission, review, and dismissal (ARD) committee determines that it is "an inappropriate measure of the student's academic progress as outlined in the individual educational plan (IEP)." Exemptions or modifications must be documented on the IEP, and exempted students receiving special education services must participate in an appropriate alternative assessment.

Approximately 60 percent of special education students currently participate in TAAS

Approximately 60 percent of students receiving special education services take one or more TAAS tests, and participation rates vary considerably from district to district and campus to campus. In spring 1995, 6 percent of the districts in Texas did not exempt any students receiving special education services from the 10th grade TAAS, while 9 percent exempted all their students receiving special education services. Table 2.2 shows the percentage of students receiving special education services who participated in TAAS in March 1995 by grade and subject.

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Table 2
Percentage of students receiving special education services participating in TAAS, by grade: Spring 1995 administration

	Reading	Mathematics	Writing	Science	Social Studies
Grade 3	40%	45%			
Grade 4	36%	40%	34%		
Grade 5	37%	40%			
Grade 6	42%	43%			
Grade 7	43%	44%			
Grade 8	43%	43%	41%	42%	43%
Grade 10	39%	38%	38%		

Source: TEA. (1995). *Texas Student Assessment Program, Student Performance Results 1994-95: Statewide and Regional Results.* Austin, TX: Author.

TAAS participation rates for special education students differ substantially across districts and education service center regions.

The variation in exemption rates of special education students is exemplified by Table 2.3, which shows that exemption rates differ considerably across education service center regions. At grade 4, the median district exemption rates ranged from 15 percent to 79 percent.

Table 3
Median TAAS exemption rates for students in special education by district within education service center regions,[1] all tests: Spring 1995 administration

	4th Grade		8th Grade		10th Grade	
ESC	Median	N*	Median	N*	Median	N*
1	59.0%	34	57.0%	37	78.0%	35
2	18.0%	33	18.5%	34	38.0%	33
3	56.5%	30	53.0%	29	58.0%	29
4	40.0%	51	30.0%	51	54.0%	51
5	57.0%	27	62.5%	26	72.0%	26
6	64.0%	45	49.0%	48	63.5%	42
7	70.0%	83	68.0%	85	73.0%	84
8	79.0%	34	87.5%	36	77.0%	31
9	50.0%	23	40.0%	21	40.0%	19
10	53.0%	72	58.0%	72	65.5%	66
11	51.5%	62	37.5%	62	50.0%	60
12	58.0%	53	57.0%	55	80.0%	53
13	48.0%	49	33.0%	48	42.5%	46
14	41.5%	26	28.5%	28	50.0%	27
15	15.0%	27	11.0%	27	22.5%	24
16	50.0%	35	60.0%	39	67.0%	35
17	47.5%	38	40.0%	39	63.0%	37
18	55.0%	22	74.0%	24	86.0%	23
19	40.4%	10	29.0%	10	36.0%	8
20	56.5%	44	41.0%	45	58.0%	44

[1]Only districts that provided answer documents for 25 students or more (special education and nonspecial education combined) at this grade level were included in the analysis.

*Number of school districts.

Participation rates for students receiving special education services vary depending on the nature of their disabilities. Table 2.4 shows the percentage of students receiving special education services in grades 3 through 10 participating in TAAS, by disability. The percentage of students with speech handicaps who participate in TAAS is higher than the percentage of the total population of students receiving special education services who participate in TAAS (in reading, 80 percent compared with 41 percent). Few students with mental retardation or autism participate. Little data are available at the state level on the reasons individual students receiving special education services are exempted from TAAS.

Table 4
TAAS participation rates for students receiving special education services in grades 3 through 10 in the reading, mathematics, and writing tests, by disability

Disability	Reading		Mathematics		Writing	
	Percent	N	Percent	N	Percent	N
Learning Disability	38%	(58,781)	41%	(64,430)	36%	(23,456)
Speech Handicap	80%	(20,538)	81%	(20,789)	77%	(6,070)
Mental Retardation	1%	(203)	1%	(198)	1%	(86)
Emotional Disturbance	40%	(7,610)	41%	(7,827)	37%	(3,264)
Auditory Handicap	34%	(852)	39%	(972)	32%	(385)
Orthopedic Handicap	36%	(968)	37%	(979)	37%	(403)
Other Health Impairment	43%	(4,346)	44%	(4,448)	39%	(1,619)
Visual Handicap	50%	(572)	51%	(585)	48%	(230)
Autism	9%	(90)	9%	(94)	5%	(22)
Deaf/Blindness	10%	(3)	13%	(4)	15%	(3)
Traumatic Brain Injury	32%	(36)	32%	(35)	44%	(23)
Noncat. Early Childhood	50%	(3)	50%	(3)	100%	(1)
Total	41%	(94,002)	43%	(100,364)	37%	(35,562)

Source: 1995 Spring Administration TAAS data file and PEIMS data file.

The Texas Administrative Code permits accommodations on TAAS unless the accommodation makes a particular test invalid as a measure for school accountability.

The Texas Administrative Code permits test accommodations on TAAS unless the accommodation makes a particular test invalid as a measure for school accountability. The Texas Administrative Code indicates that test accommodations should be determined by the needs of the student and the accommodations the student routinely receives in classroom instruction (Section 101.3). Little information is available at the state level on the types of accommodations used in TAAS or the frequency of their use. The agency collects data on the number of students receiving special education services who take the mathematics, science, and social studies TAAS using oral administration. The oral administration of an assessment is intended to assess knowledge and skills in the specified content area irrespective of reading-related disabilities. Unlike reading the reading test, which produces an invalid measure of student reading performance, oral administration of the mathematics test, for example, does not invalidate the test results.

In spring 1995, 13,177 students receiving special education services (12.2 percent) took the mathematics TAAS using oral administration. Of the eighth graders receiving special education services who took the science and social studies TAAS, 3.1 percent took the tests using oral administration. The proportion of students using oral administration for mathematics apparently decreases as grade level increases. Table 2.5 shows the number and percentage of students receiving special education services who took TAAS using oral administration, by grade and subject.

Table 5
Number and percentage of students receiving special education services who took TAAS using oral administration, by grade and subject: Spring 1995 administration[1]

	Science[2]		Social Studies[2]		Mathematics	
	Number	Percent	Number	Percent	Number	Percent
Grade 3					3,343	18.5%
Grade 4					3,416	19.9%
Grade 5					3,044	17.9%
Grade 6					1,680	10.0%
Grade 7					846	5.5%
Grade 8	458	3.1%	466	3.1%	658	4.5%
Grade 10					190	2.1%

[1]Percents are based on the number of students receiving special education services taking TAAS in a specific subject and grade.

[2]Science and social studies assessments are administered at Grade 8 only.

Source: TEA. (1995). *Texas Student Assessment Program, Student Performance Results 1994-95: Statewide and Regional Results*. Austin, TX: Author.

The National Context

For many years, special education students were excluded from the public debate about educational reform and accountability in America.

As part of the education reform movement, American educators and policymakers have endorsed the adoption of accountability systems that emphasize student performance and results. For many years, students receiving special education services were excluded from the public debate about educational reform and accountability in America. However, as students receiving special education services gained procedural rights under state, federal, and local laws and became increasingly served in regular education settings, two questions logically arose. First, should students receiving special education services be included in the educational reforms and particularly the assessment and accountability systems being created? And second, how should they be included?

The national answer to the question of whether students receiving special education services should be included in the educational reforms and particularly the assessment and accountability systems being created is overwhelmingly "yes." State and federal laws (e.g., Section 504 of the Rehabilitation Services Act, Academics 2000, the Improving America's School Act (IASA), the Americans with Disabilities Act, the U.S. Department of Education's proposal for the reauthorization of Individuals with Disabilities Education Act, the Texas Education Code) require the participation of students receiving special education services in assessment and accountability systems.

Moreover, the failure to hold schools accountable for the educational results of students receiving special education services is ill advised when evidence exists that these students are not reaching satisfactory levels on such goals as understanding basic mathematics and science concepts, school completion, and employment. Without clear educational goals, students receiving special education services may be consigned to programs that fail to adequately prepare them for adult life. Most students receiving special education services are exposed to the same curricula as those without disabilities, or to a similar curriculum. Since most students receiving special education services spend more than half of their school day with their nondisabled peers, their successes or failures must be considered when overall student performance is assessed and reported (Brauen, O'Reilly, and Moore, 1994).

Answering the second question, how should students receiving special education services be included in these efforts, has proven much more difficult. States use a variety of participation criteria for students receiving special education services in statewide assessments; resulting rates of participation vary widely. The allowable accommodations and modifications students receiving special education services can use also differ significantly across states. The National Assessment of Educational Progress (NAEP) has expanded the participation of students receiving special education services in recent years through changes in the participation criteria and the provision of accommodations. In its proposal

for the reauthorization of IDEA, the U.S. Department of Education's Office of Special Education Programs recommended the development of alternative assessments for students with severe cognitive impairments who are unable to participate in statewide assessments (U.S. Department of Education, 1995). Additionally, there is considerable diversity in how states use the assessment results of students receiving special education services in state accountability systems. In several states, assessment data for students receiving special education services are not aggregated with the assessment results for students not receiving special education services. In Kentucky, all students receiving special education services participate in the statewide assessment program either in the standard performance assessment or in an alternative assessment system, and performance data for these students are aggregated with data for students not receiving special education services for reporting and accountability. Other states include or exclude the performance data of students receiving special education services in their reports under particular circumstances--depending on whether the student is instructed in the subject of the assessment in the mainstream, and what accommodations are used (Thurlow, et al., 1995).

Much has been learned about how students receiving special education services can participate in assessments; however, much remains to be learned. The impact of accommodations and modifications on the validity and reliability of assessment results is not well understood (Thurlow, et al., 1993). There is little research on the intended and unintended consequences of efforts to develop and use alternative assessments for students receiving special education services. Several states, including Texas, are currently working through a collaborative group led by the Council of Chief State School Officers called the State Collaborative on Assessment and Student Standards (SCASS) to examine how students with disabilities can be included in large-scale assessments. The National Center on Educational Outcomes (NCEO), through a project sponsored by the U.S. Department of Education's Office of Special Education Programs (OSEP), is also working on issues related to the participation of students with disabilities in assessment and accountability systems at the national and state levels.

Texas is currently participating in a multi-state collaborative led by the Council of Chief State School Officers to examine how students with disabilities can be included in statewide assessments.

Project Activities

A number of activities were conducted to obtain input from a wide range of Texas stakeholders and national experts. Practices used or planned in other states were also examined, and current thinking on best practices related to the participation of special education students in state assessment and accountability systems was reviewed. The project activities are outlined below.

Several activities were undertaken to obtain information on practices in other states--to learn from their experiences and learn how their experiences might coincide with Texas' goals for the assessment and accountability systems. Personnel in selected states were interviewed in person or by telephone with particular attention to those states with high stakes accountability for schools, districts, and students. Texas Education Agency and Westat staff met with eight state assessment directors at the Council of Chief State School Officers' Large-Scale Assessment Conference in June 1996 to discuss current practices and future developments. Westat reviewed relevant literature with special emphasis on evaluations of various types of alternative assessment, a study of issues developed by a Texas stakeholder focus group (ESC IV, 1995), and materials produced by the National Center for Educational Outcomes at the University of Minnesota.

As part of the project activities, input from a wide range of Texas stakeholders and national experts was collected.

To obtain input from a wide range of Texas stakeholders, a statewide forum was held, which was attended by 39 Texas practitioners and advocates in June 1996. Written input was also solicited through letters to all district superintendents and all directors of special education; 38 individuals and 25 districts responded.

With the assistance of TEA staff, Westat conducted analyses of TAAS participation and performance data for students receiving special education services by grade, subject area, and disability. In addition, analyses were conducted to examine differences in participation rates across school districts and regions.

A national and state advisory panel, consisting of national assessment experts, national experts on issues related to the participation of students receiving special education services in assessments, and Texas practitioners and advocates, provided valuable input and suggested policy options at several points in the project.

Using all of the information obtained through the activities described above, a broad list of policy options was presented to the national and state advisory panel in August 1996. Based on the panel's recommendations, a preliminary proposal for the assessment system was sent to the panel for further review and refinement.

The next section of this report is organized around five areas of concern: criteria for participation in the tests; alternative assessments; test accommodations; reporting test results; and using test results in the accountability system.

Criteria for Participation in the Tests

Current State Board of Education (SBOE) rules indicate that students receiving special education services should take TAAS unless the student's admission, review, and dismissal (ARD) committee determines that it is an inappropriate measure of the student's academic progress as outlined in the student's individualized educational plan (IEP). Exemptions must be documented in the IEP, and exempted students must participate in an appropriate alternative assessment as determined by the ARD committee.

Under this policy, approximately 60 percent of all students who receive special education services take one or more tests in the statewide assessment program, and participation rates vary considerably from district to district. Texas stakeholders who provided input for this project felt that ARD committees should continue to make the decision about how individual students participate in the student assessment program. A number of individuals felt the guidelines for participation needed to be clarified to ensure consistent decision making. The following revision to the current policy is proposed.

Require ARD committees to specify in each IEP how students receiving special education services will participate in the assessment program. Include students in TAAS or end-of-course examinations when the student receives instruction in the essential elements on grade level in the subject being tested, and accommodations used in instruction are allowable, are provided in testing, and do not invalidate test results.

Justification. This requirement reinforces a primary purpose of the statewide assessment program--to assess mastery of the essential elements. By including those students receiving special education services who are taught the essential elements at grade level in the assessment program, this policy will hold campuses and schools accountable for teaching the essential elements to these students and will hold students to high standards. This recommendation also reinforces the subject-specific nature of the participation decision. For example, an ARD committee might recommend participation in TAAS mathematics, but not in reading and writing, depending on the grade level at which the student is receiving instruction in the subject area. The revised policy, in conjunction with other changes in the assessment and accountability systems, should result in a larger percentage of students who receive special education services participating in the statewide assessment program, reduce district to district and school to school variability in the percentage of these students participating in the assessment program, and promote student- and subject- specific decisions about participation on the state assessment.

Implementation Strategies. To ensure successful implementation of the revised policy, school districts should be required to include in IEPs the reason(s) students are not being taught the essential elements or are being taught essential elements below the student's age-appropriate grade level. As with all IEP provisions, ARD committees should be required to review whether an individual student will participate in TAAS each year based on the student's current instructional level. Training and technical support for ARD committees will be necessary when the specified changes are made.

The agency should incorporate these requirements in its compliance monitoring procedures. Particular attention should be given to monitoring those districts with a large percentage of students receiving special education services who do not participate in TAAS. Stakeholders should be given due notice of this change in the assessment system. The agency should annually evaluate the effect of this change in policy, paying particular attention to any unintended consequences.

Alternative Assessments

Under current policy, students receiving special education services who are exempted from the statewide assessment program are to be administered an appropriate alternative assessment that is selected by the student's ARD committee. Performance data from the alternative assessments are not collected and aggregated at the state level or used as part of the accountability system.

Texas service providers and administrators indicated that they use a variety of assessments, such as commercially published tests and released versions of TAAS, which they may administer off grade level. Some stakeholders raised concerns about the value of the locally selected alternative assessments for evaluating students' knowledge and skills. A number of stakeholders proposed a standardized test for students exempted from the statewide assessment program. Several teachers expressed the opinion that a paper-and-pencil test would not be feasible for students with severe disabilities. They recommended teacher checklists, portfolios, performance tasks, parent surveys, or other alternative assessments currently used in districts. The following approach is proposed.

Include students who are receiving instruction in the essential elements in the subject being tested but not at grade level, or who require accommodations that invalidate test results, in an alternative state-developed or commercially purchased assessment. This assessment would be designed to assess students at their appropriate level. Possible assessments that could be considered:

- *an agency-developed, multi-grade level set of TAAS tests using items from several grade-level tests and*
- *a commercially available test.*

Each of these alternatives should be evaluated empirically in terms of the match between the essential elements and what is measured by the assessment and the appropriateness of the test content for the instructional levels and grade levels of the population being tested.

For those students not receiving instruction in the essential elements at any grade level, continue to study the feasibility of developing an assessment based on curricular domains appropriate for these students.

Justification. Including students receiving special education services in the statewide assessment program will ensure that schools, school districts, parents, students, and community members have information on which to judge school performance. However, TAAS and end-of-course examinations may not appropriately measure educational progress for all students receiving special education services. Some of these students may receive a functional or life skills curriculum instead of the standard curriculum assessed on TAAS. Others may receive instruction in the essential elements, but not at grade level. As a result, to include all students in the statewide assessment program, the agency must develop or select alternative assessments that can measure students' knowledge of the essential elements at the level appropriate for them. While locally selected alternatives have been used in the past, this approach does not permit the results to be aggregated for purposes of reporting and accountability.

Options for students receiving the essential elements off grade level are suggested below with a preliminary discussion of the advantages and disadvantages of each.

For students who receive instruction in the essential elements but not at grade level, the agency could develop an alternative assessment using items from several grade levels of TAAS. The test would cover essential elements, for example, at the elementary level. This would permit wider participation of students who receive instruction in the essential elements, but not at grade level. Some items for the test could be selected from the existing TAAS item bank. Since TAAS was specifically designed to assess mastery of the essential elements, this approach would ensure a good match between the content tested in the

alternative assessment and the content of instruction, i.e., the essential elements. This option would require the agency to develop a new series of assessments, which could take several years.

Another option for the alternative assessment for students receiving instruction in the essential elements below grade level is use of a commercially available test selected specifically for this purpose. Some commercially available tests have a broad range of items that cover multiple grade levels. These instruments have been evaluated for their reliability and validity, which provide information about their psychometric soundness. If the agency adopts a commercially available test, the test could become part of the statewide assessment program more quickly than a test developed by the agency. Since these commercially available tests have not been designed to measure mastery of Texas' essential elements, the match between these tests and the essential elements will need to be evaluated.

"Because I do believe that what is measured is taught, any alternative assessment must be related at least broadly to the essential skills for all students, and where appropriate, to TAAS."

Texas special education advocate

Each of the possible alternative assessments should be evaluated with particular attention to the match between the essential elements and the assessment, the appropriateness of the tests for various instructional levels and grade levels, and the accommodations that can be used. First, to align instruction in the essential elements and testing, it is critical that there be a high degree of correspondence between the essential elements and the content of the alternative assessment to be used. Second, the appropriateness of the assessment for given instructional levels and grade levels is important; students should be able to demonstrate effectively what they know and can do. Third, some students taking the alternative assessment will need accommodations to participate; the range of accommodations that can be used without invalidating the test results will need to be evaluated.

An additional alternative assessment should be designed for special education students who do not receive instruction in the essential elements. At present, there are no statewide educational goals for students receiving special education services who are not taught the essential elements (estimated at 5 percent of students receiving special education services).

Implementation Strategies. To facilitate implementation, the agency should begin deliberations with stakeholders on the selection or development of two alternative assessments—one for students receiving special education services who are taught the essential elements below grade level, and one for students receiving special education services who are taught an alternative curriculum. The agency should inform stakeholders of these activities and provide sufficient notice prior to adopting alternative assessments. The process of selecting or developing assessments should be completed as quickly as possible without compromising the quality of the assessments.

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Test Accommodations

Current State Board of Education rules permit test accommodations on the statewide assessment program unless the accommodation would make a particular test invalid. The rules indicate that test accommodations should be determined by the needs of the student and the accommodations the student routinely receives in classroom instruction. The TAAS test coordinator manual allows a variety of accommodations, as listed in Figure 1. Local personnel may also call the agency to inquire about use of additional accommodations. The use of a calculator or slide rule, reading assistance on the reading or writing assessments, use of reference materials, or use of other modifications that would invalidate the test are not permitted. Testing accommodations are to be documented in the student's IEP. The same rules apply to end-of-course examinations with one exception: calculators can be used on the Algebra I end-of-course examination.

Figure 1
Currently allowed test accommodations on TAAS and end-of-course examinations

- Instructions given orally before or after the test may be signed to an examinee with a hearing impairment or translated into the native language of an examinee with limited English proficiency.
- Examinees may place a colored transparency over the test, or they may use a place marker with the test and answer document.
- Examinees may receive an individual administration of the assessment instrument and, in this setting, may read aloud as they work. A test administrator must be present in the test room at all times.
- Students with visual impairments may use a braille or large-print version of the test. The test administrator and the student should determine the best method for the student to record responses to the test items. The student may respond in handwriting, typewriting, braille, or by indicating the answer to the test administrator. Students with visual impairments may be separated from other examinees if their method of response is distracting to other students. Students responding verbally will require individual testing stations. Special consideration should also be given to lighting conditions for students with low vision.
- Students may mark answers directly on the braille or large-print booklet with pens, crayons, or pencils. Low vision devices and typewriters are allowed. Students who take the braille version of TAAS tests may use slate and stylus, braille writers, and Cranmer modified abacus or speech output calculators.
- If a student taking the braille test requires more than the one day designated for each subject area in order to complete the test, the district coordinator must contact the Student Assessment Division to make special testing arrangements.
- The examinee may use a magnifying glass when testing.
- If an examinee has a disabling condition that interferes with his or her ability to record machine-readable responses, the examinee may respond orally to test items, mark responses in the test booklet, or type responses. If an examinee must dictate a composition, the examinee must spell out all words and indicate all capital letters and punctuation marks. Afterward, the examinee must be allowed to read over the composition and indicate where he or she would like to make corrections.
- The examinee may type the TAAS written composition on a typewriter or on a computer but may not use the computer's "spell check" feature or save the document.
- A test administrator may read aloud the mathematics, Grade 8 social studies, Grade 8 science, Algebra I and/or Biology I test questions and answer choices to those eligible TAAS examinees who are identified as having dyslexia or a related disorder and who regularly receive this modification in the classroom.
- The examinee may not use a calculator, except for the Algebra I test.

Source: TAAS Fall 1996 Test Coordinator Manual.

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In written comments from Texas stakeholders, several individuals suggested that districts need more clear guidance in the TAAS test coordinator manual on what accommodations are allowable. They asserted that current policies for accommodations are interpreted differently across the state. Several individuals stressed the need for individualized decisions about use of specific accommodations, and others argued that all accommodations and modifications used in instruction should be allowed on TAAS. The following revised policy on test accommodations is proposed.

Disseminate widely a comprehensive list of allowable test modifications and train educators to use them. Continue to allow schools or districts to request additional accommodations.

"Ensuring that all possible accommodations are being utilized--while still guaranteeing the validity of the test--will help lower the number of exemptions from TAAS."

Texas special education advocate

Justification. Current terminology regarding the use of accommodations that do not affect the validity of the assessment may lead to varying interpretations of what is and is not allowed. Some stakeholders asserted that teachers or administrators might be unwilling to provide accommodations currently allowed by the agency because there is little evidence available concerning the effects of accommodations on test validity (Thurlow, Ysseldyke, & Silverstein, 1995). The stakeholders also suggested that other teachers or administrators might be unaware of what is and is not permissible.

This proposed change directly ties assessment accommodations to the IEP and to classroom instruction and testing. It will promote testing situations that reflect classroom practice and will preserve the ARD committee's primary role in decisions about appropriate accommodations. Also, by providing any additional detail in the list of accommodations permitted on assessments, this policy will increase the participation of students receiving special education services in the assessments, and students receiving special education services will have a better chance to demonstrate what they know and can do.

Implementation Strategies. The list of allowable accommodations on TAAS and end-of-course examinations should be distributed to parents, students, and school personnel. Local school personnel will need training and technical support to help them select appropriate accommodations to use in classrooms and in testing situations. In educating stakeholders about the use of accommodations in testing, the agency should make it clear that not all accommodations are appropriate for each student, but that individualized decisions should be made based on the needs of the student and accommodations used in instruction. As is true of all IEP provisions, decisions about the use of accommodations for individual students should be reviewed by the ARD committee each year, and documentation of accommodations should be included in the student's IEP.

Monitoring the use of accommodations will be necessary to ensure that the policy is being implemented appropriately. The agency should consider collecting data on assessment answer sheets documenting the accommodations used for each individual student. Analysis of these data could serve as a starting point in monitoring the use of accommodations.

Reporting Test Results

Public reporting of data on educational results is a form of accountability (Brauen, O'Reilly, & Moore, 1994). Access to this information gives consumers the tools necessary to leverage change in the educational system. Campus report cards, campus and district AEIS reports, and state student assessment program performance reports all provide the public with information on student results. These reports, produced as part of Texas' assessment and accountability systems, include data for students receiving special education services in different ways. Figure 2 shows how data for students receiving special education services are currently reported.

Figure 2
How TAAS performance data on students receiving special education services are included in Texas' reports

Reports	TAAS Exemption Rates for Students Receiving Special Education Services	TAAS Performance Results for Students Receiving Special Education Services
Campus Summary Reports from Student Assessment	Reported	Reported separately
District Summary Reports from Student Assessment	Reported	Reported separately
Statewide Summary Reports from Student Assessment	Reported	Reported separately
Campus and District AEIS Reports	Reported	Reported separately
Campus Report Card	Reported	Not reported in campus results

Most participants in the statewide forum and on the national and state advisory panel agreed that students receiving special education services should be part of the reporting and accountability systems. One forum participant commented that because results for special education students are reported separately, schools and school districts are not being held accountable for these students and asked how to ensure that schools and districts will pay sufficient attention to these students and their instruction. Stakeholders from an earlier Region IV stakeholder group reached this same conclusion.[1] The following revision to the current policy is recommended.

Revise the current campus, district, and state TAAS and end-of-course reports in the following ways:

a. *Aggregate performance results for students receiving special education services who take TAAS and end-of-course examinations with results for non-special education students.*

b. *Include alternative assessment results in separate sections of all reports, as well as information on the number and percentage of students assessed.*

Justification. This policy will hold districts and campuses accountable for the performance of all students receiving special education services, i.e., those students participating in TAAS, the end-of-course examinations, and in the state alternative assessments. Requiring public reporting will demonstrate that statewide assessment program results for students receiving special education services are as valued as the results for other students. In particular, this policy will also hold districts and campuses accountable for the performance of students receiving special education services who participate in the state alternative assessments by providing information to students, parents, the legislature, and advocates on the performance of those students.

"...to make schools responsible for the progress of all students, the scores of students with disabilities who take TAAS test must be reported and aggregated with the scores of students without disabilities who take the test."

Advisory panel member

This policy will hold campuses and districts accountable for growth in student performance through public reporting of data showing changes in student performance over time. Reports will indicate the progress of all students (those receiving special education services and those not receiving special education services) in mathematics and reading using the Texas Learning Index. Reporting these data will support the long-term goal of having students pass the exit level test in tenth grade but will also recognize progress toward that goal. This information may be useful for teachers evaluating the effectiveness of particular instructional strategies and for parents and community members in evaluating school performance.

Implementation Strategies. The agency should provide notice to local schools and school districts that TAAS and end-of-course examination performance results for students receiving special education services will be included in assessment reports, AEIS reports, and campus report cards. Campuses and districts may be apprehensive about including performance data for students receiving special education services in their aggregated performance data because they fear their overall performance will decline. A study could be conducted to examine the effects of the proposed changes on campus and district performance results. Training should be provided for local personnel, parents, and the media to facilitate interpretation and use of the newly reported data.

Using Test Results in the Accountability System

Performance data for students receiving special education services who participate in the statewide assessment program are currently excluded from the data used to generate district accreditation status and campus ratings. On campuses where all students are served in special education, no accountability ratings are generated. Performance results for students attending schools operated by multi-district cooperatives, alternative education programs, or residential facilities may or may not affect district accreditation status, depending on the type of school. Furthermore, many students receiving special education services are not included in the student-level accountability system. Under present policy, students who are exempted from the statewide assessment program due to their disability may receive a high school diploma if they complete the requirements of their IEPs, while those who are not exempted must pass the exit level test to graduate.

Some Texas stakeholders have expressed a concern that current policies have led to the over-identification of students for special education to secure an exemption from the testing requirement for them. In May 1992, the Executive Deputy Commissioner for Programs and Instruction distributed a letter to local administrators addressing this concern. The letter pointed out instances in which seniors were being referred for special education services when they failed the exit level TAAS. The deputy commissioner pointed out in the letter that it is extremely unlikely that students could progress with passing grades to the senior level and have a disability that would qualify them for special education services. The letter specifically stated, "Failing TAAS does not constitute an educational need for special education services."

"When students with disabilities participate in a state accountability system, there will be greater focus on improving results, and expectations for their performance will increase."

ESC IV Stakeholder Report (1995)

Numerous stakeholders emphasized that until students receiving special education services are included in the school and district accountability systems, there is no assurance that schools and school districts will pay sufficient attention to the quality of these students' instruction. They fear that in the environment of high stakes accountability, no incentives exist to ensure that students excluded from the accountability system receive resources that are devoted to improved instruction. The following approach is proposed.

Revise the accountability system as follows:

a. *Include the results of those students taking TAAS in the accountability rating system.*

b. *Include the results of those students taking alternative assessments in AEIS.*

c. *Continue to report the percentage of those students who participate in TAAS or end-of-course examinations as an indicator in AEIS.*

"To ensure that the disabled children of Texas receive the education and supplemental services that they are entitled to, it is imperative that schools be made accountable for the quality of education they provide."

Texas educator

Justification. The revisions will hold districts and campuses accountable for the performance of all students receiving special education services, those receiving instruction in the essential elements at grade level, those receiving instruction in the essential elements off grade level, and those receiving an alternative curriculum. By reporting the percentage of students receiving special education services who participate in TAAS or end-of-course examinations, incentives are provided for including in TAAS and end-of-course examinations as many students as possible who receive special education services and providing the instruction necessary for those participating to pass the tests. In particular, this indicator provides an incentive for teaching the essential elements to more students receiving special education services and will raise expectations for their performance.

Study the feasibility of rating campuses where all students are served in special education as exemplary, recognized, acceptable, or low performing.

Justification. This policy will hold all campuses accountable for their students' performance through attendance and dropout rates, and participation in and performance on TAAS, end-of-course examinations, and alternative assessments. It will also provide incentives for these campuses to teach students receiving special education services the essential elements so that they can take and pass TAAS and end-of-course examinations. Parents, educators, and communities will have data on which to judge the effectiveness of these schools.

Include the performance of students whom districts have placed in a special education setting that is not currently part of the accountability system in the ratings of the students' home campus and district.

Justification. There are currently many students receiving special education services who attend schools outside their neighborhoods or districts to obtain special education services. Some of these schools and districts are excluded from the accountability system. Adding the students assigned to these instructional settings in the ratings of their home campuses and districts will ensure that all students are included in the accountability system, regardless of the location where they receive services.

Implementation Strategies. The following strategies will assist in implementing changes in district and school accountability. Some campuses and districts may fear that test results for students who receive special education services will lower ratings. Prior to implementing these changes, the agency could study the effect of these revised practices on schools and districts.

To implement these recommendations, the agency will need information on the home campus and district of students who are placed in settings that are not part of the accountability system. Without this information, the agency will not be able to include performance results for these students in the ratings of the sending schools and districts. The agency should investigate methods of securing those data.

To ensure successful implementation of these revisions in the accountability system, the agency should develop detailed plans and timelines to incorporate the revised indicators in the school and district ratings. Campuses, districts, teachers, parents, students, and the media must be given sufficient notice of the changes in the accountability system. For all of the specified changes in the district- and campus-level accountability systems, a four-year phase-in period is recommended.[2] It is also recommended that the agency design and conduct a longitudinal study examining the consequences of these changes in the district- and campus-level accountability systems.

Conclusion

Texas is at the forefront of efforts to include students who receive special education services in state assessment and accountability systems. Many other states are also struggling with issues of participation, accommodation, alternative assessment, reporting, and accountability for these students. All these states have one common

goal--to improve educational results for students receiving special education services.

The issues addressed in this effort are complex. Opinions differ within the educational community and among advocates as to how to improve educational results while recognizing the diverse needs of students receiving special education services. Across the nation, research is currently underway to support decisions about how best to include special education students in assessment and accountability systems. As these studies are completed and their results disseminated, conceptions of best practice will change. Technical issues will be better understood, and that new understanding will be used to support decisions about the participation of students who receive special education services in assessment and accountability systems. Meanwhile, administrators, advocates, researchers, parents, and educators will be looking to Texas for preliminary information about the practical effects of its policy decisions, and Texas stakeholders will be looking for information to show that revisions have had the intended results.

The agency should consider a series of studies and analyses to evaluate the consequences of changes in the assessment and accountability systems. Questions that might be addressed through such studies include the following:

- To what extent have the percentages of special education students taking TAAS and end-of-course examinations changed under revised rules for participation, accommodation, assessment, reporting, and accountability? Has district-to-district variability in participation rates declined under revised rules?
- What accommodations are used for special education students on TAAS, end-of-course examinations, and alternative assessments? Has the use of accommodations changed over time? Are decisions about the use of accommodations consistent and appropriate across the state?
- What would be the effect of changing the state policy governing the award of high school diplomas to students who receive special education services and are exempted from TAAS? Would heightened expectations for student performance improve the quality of instruction and performance? How many students would be ineligible for a high school diploma? What would be the effect of awarding a certificate of completion or a modified diploma statewide?

- What have been the consequences of revised rules governing participation of students who receive special education services in TAAS, end-of-course examinations, and alternative assessments? Has instruction for these students changed? Have educational results improved? Have there been any unintended consequences due to the rule changes?

Answers to these questions will help refine the statewide assessment and accountability systems. The proposed assessment system attempts to balance what may seemingly be incompatible goals--including all students who receive special education services in the assessment and accountability systems, holding high expectations for student performance, and addressing the individualized nature of students' needs. Results from the studies proposed above will help determine if that balance has been adequately maintained. Used in conjunction with findings from national studies, these data will inform future changes in the Texas educational system.

During the process of developing this report, it became evident that well-informed, child-centered Texans have very different perspectives on the best way to include special education students in assessment and accountability systems. The high stakes associated with these systems make policy changes very important to campuses and districts, and make consensus more difficult to achieve. The proposed assessment system will provide the foundation for the participation of all students receiving special education services in the Texas assessment and accountability systems and improved educational results for these students.

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ENDNOTES

1. See the Region IV Education Service Center. (1995). *Including Students with Disabilities in Statewide Assessment and Accountability Systems: A Study of the Issues*. Author.

2. When making changes to the Texas accountability system, the agency typically uses a four-year phase-in period. The first year's data serve as a benchmark for setting standards, but the data are not reported or used in district or campus accountability ratings. In the second and third years, the data are reported and published in AEIS reports, but are not used in district or campus accountability ratings. In the fourth year, the data are reported and used in the accountability ratings.

TITLE VI, CIVIL RIGHTS ACT OF 1964; THE MODIFIED COURT ORDER, CIVIL ACTION 5281, FEDERAL DISTRICT COURT, EASTERN DISTRICT OF TEXAS, TYLER DIVISION

Reviews of local education agencies pertaining to compliance with Title VI Civil Rights Act of 1964 and with specific requirements of the Modified Court Order, Civil Action No. 5281, Federal District Court, Eastern District of Texas, Tyler Division are conducted periodically by staff representatives of the Texas Education Agency. These reviews cover at least the following policies and practices:

(1) acceptance policies on student transfers from other school districts;

(2) operation of school bus routes or runs on a nonsegregated basis;

(3) nondiscrimination in extracurricular activities and the use of school facilities;

(4) nondiscriminatory practices in the hiring, assigning, promoting, paying, demoting, reassigning, or dismissing of faculty and staff members who work with children;

(5) enrollment and assignment of students without discrimination on the basis of race, color, or national origin;

(6) nondiscriminatory practices relating to the use of a student's first language; and

(7) evidence of published procedures for hearing complaints and grievances.

In addition to conducting reviews, the Texas Education Agency staff representatives check complaints of discrimination made by a citizen or citizens residing in a school district where it is alleged discriminatory practices have occurred or are occurring.

Where a violation of Title VI of the Civil Rights Act is found, the findings are reported to the Office for Civil Rights, U.S. Department of Education.

If there is a direct violation of the Court Order in Civil Action No. 5281 that cannot be cleared through negotiation, the sanctions required by the Court Order are applied.

TITLE VII, CIVIL RIGHTS ACT OF 1964 AS AMENDED BY THE EQUAL EMPLOYMENT OPPORTUNITY ACT OF 1972; EXECUTIVE ORDERS 11246 AND 11375; EQUAL PAY ACT OF 1964; TITLE IX, EDUCATION AMENDMENTS; REHABILITATION ACT OF 1973 AS AMENDED; 1974 AMENDMENTS TO THE WAGE-HOUR LAW EXPANDING THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967; VIETNAM ERA VETERANS READJUSTMENT ASSISTANCE ACT OF 1972 AS AMENDED; IMMIGRATION REFORM AND CONTROL ACT OF 1986; AMERICANS WITH DISABILITIES ACT OF 1990; AND THE CIVIL RIGHTS ACT OF 1991.

The Texas Education Agency shall comply fully with the nondiscrimination provisions of all federal and state laws, rules, and regulations by assuring that no person shall be excluded from consideration for recruitment, selection, appointment, training, promotion, retention, or any other personnel action, or be denied any benefits or participation in any educational programs or activities which it operates on the grounds of race, religion, color, national origin, sex, disability, age, or veteran status (except where age, sex, or disability constitutes a bona fide occupational qualification necessary to proper and efficient administration). The Texas Education Agency is an Equal Employment Opportunity/Affirmative Action employer.

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